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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,618	10/24/2003	Bruce Williams	061270-0877	7223

58898 7590 07/21/2006

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EXAMINER

GARRETT, ERIKA P

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,618	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Erika Garrett	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59,63-69,71-72 and 75-78 is/are pending in the application.
- 4a) Of the above claim(s) 59,63,65 and 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 64,66-69,71 and 75-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/06</u> | 6) <input type="checkbox"/> Other: _____ |


DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

 Claims 64, 66-67, ~~70~~ 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Kain (6,550,862). In regards to claim 64, a base (16) having a seating surface and an outer side surface; and an object holder (18) including an end portion that forms a cavity (20, the open space of the 18) for receiving and holding an object; wherein the object holder is attached to the base such that the object holder is moveable in and out of the base between an extended (figures 2 and 5-7), in use position and a fully retracted (figure 1) storage position; when the object holder is in the fully retracted, storage position, the object holder can be retracted no further into the base, and only a portion of the object holder is within the base (see figure 1), a first part of the end portion (located on the back side of 18, see figure 1) is received within the base and located under the seating surface with one section of the cavity inaccessible (the back side of 18 is inaccessible) as a gripping surface and a second part of the end portion (any portion away from the back side of 18) extends beyond the outer side surface of

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the base with another section of the cavity accessible as a gripping surface the child seat is configured for placement on a seat of the vehicle and the child seat has a belt patch configured to receive and locate relative to the child lapbelt of the restraint system, see figures 7-8. In regards to claim 66, wherein the object holder is slidably attached to the base, see figures 2-7. In regards to claim 67, the holder includes an extension (located behind 18, see figure 3) slidably connected to the base and positioned under the seating surface. In regards to claim 71, wherein the cavity is at a distal end of the extension.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68-69 and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kain in view of Lancaster (5,876,007). Kain shows the use of all the claimed invention but fails to show the use of a second object holder. Lancaster teaches the use of a post (30) and second object holder (32). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat with a second object holder as taught by Lancaster, in order to hold more than one object.

Response to Arguments

1. Applicant's arguments filed 5/2/06 have been fully considered but they are not persuasive.

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2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e., the cavity is located entirely outside of the base*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. In response to applicant argument that Kain fails to show "*a first part of the end portion is received within the base and located under the seating surface with one section of the cavity inaccessible as a gripping surface and a second part of the end portion extends beyond the outer side surface of the base with another section of the cavity accessible as a gripping surface*", applicant is directed to the above rejection.

The examiner is of the opinion that Kain **clearly shows** a first part of the end portion is received within the base and located under the seating surface with one section of the cavity inaccessible as a gripping surface and a second part of the end portion extends beyond the outer side surface of the base with another section of the cavity accessible as a gripping surface, as shown on figures 1-2.

4. In response to applicant argument that Kain fails to show "*in the retracted position no part of the cup holder or cavity is received within the base and located under the seating surface*", applicant attention is directed to the above rejection. The examiner is of the opinion that Kain shows in the retracted position no part of the cup holder or cavity is received within the base and located under the seating surface, as shown in figure 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 8:00a.m. -6:00p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EG


July 18, 2006


Peter M. Cuomo
Supervisory Patent Examiner
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